

CITY OF MIAMI BEACH

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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: March 19, 2003

From: Jorge M. Gonzalez
City Manager

Subject: **REPORT OF THE NEIGHBORHOODS COMMITTEE MEETING
FEBRUARY 24, 2003**

A meeting of the Neighborhoods Committee was held on February 24, 2003, at 4:00 P.M. in the Manager's Large Conference Room. Commissioners in attendance: Matti Herrera Bower, Simon Cruz, Richard Steinberg, Saul Gross and Luis R. Garcia. City staff in attendance: Robert C. Middaugh, Assistant City Manager, Christina M. Cuervo, Assistant City Manager, Vivian P. Guzman, Director, Neighborhood Services Department, Donna Shaw, Director, Tourism and Cultural Development, Saul Frances, Director, Parking Department, Kevin Crowder, Director, Economic Development, Maggie Fernandez, Special Events Coordinator, Al Childress, Director, Code Compliance Division, Gary Held, First Assistant City Attorney, Dolores Mejia, Commission Aide, Valerie Schwank-Hasbani, Commission Aide, Erica Shafir, Commission Aide and Robert Dixon, Deputy City Attorney. Others in attendance are listed in the attached sign-in sheet.

OLD BUSINESS

1. **Discussion regarding the City's enforcement of the noise ordinance.** Deferred to the next Neighborhoods Committee meeting.
2. **Status report on the Espanola Way Association request for street closure of the 400 and 500 blocks of Espanola Way.**

Mr. Robert C. Middaugh, Assistant City Manager, introduced the item and provided a brief report on the last community meeting held at Feinberg-Fisher Elementary. Mr. Middaugh stated that there were only two comments that differed from the consensus discussed with the Commission and it was opposition to the removal of any parking in the plaza area. Mr. Middaugh requested guidance from the Committee regarding the parking. Commissioner Garcia inquired as to whether capturing Drexel Avenue was discussed. A discussion ensued regarding the concerns of Principal Figueras, Feinberg-Fisher Elementary, and the need to get a more permanent solution for the parking. Commissioner Cruz stated that he did not have a problem preserving parking.

Ms. Francine Liebman stated that people are parking in the Espanola Way area and it may be patrons from the restaurants. According to Ms. Liebman, people sneak in and park at night. Commissioner Bower suggested closing the street from 15th Street south and

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inquired into the use of school buses in the cul-de-sac. Principal Figueras stated that no school buses use the cul-de-sac. The only drop-off in that area is probably from parents dropping off children to school. Ms. Liebman suggested placing the valet company in the cul-de-sac and using it as a turnaround for the cars instead of on the north side which can block the intersections (on the north side). Mr. Marcos Leiva, Celebrity Valet, stated that he was concerned because you were going to have people crossing on Drexel Avenue and Espanola Way and it may raise the valet company's liability. His valet company provides valet services for six restaurants in Espanola Way.

Commissioner Garcia posed a compromise to use the street south of the plaza only on weekends. Commissioner Garcia's proposal is to explore the feasibility of opening the school property/Drexel Avenue property for the valet company so drivers can drop off the car and it would be only on weekends and not endanger the children. Commissioner Cruz suggested that this may be a long range alternative but this issue needs resolution immediately.

Commissioner Bower stated that this issue needed to be resolved because the parking problems were beginning to intrude into the residential district. Commissioner Bower recognized Count L.F.M. de W Rosenthal (known as "the Count") who presented a diagram of the Espanola Way area and proceeded to explain the parking situation. Count L.F.M. de W Rosenthal stated that there are three vacant residential buildings that will create additional parking problems for the tenants and visitors and taking away the spaces will affect the residential community. According to the Count, the residents are adamantly opposed to a street closure and removal of parking spaces.

The closing comments were made by Commissioner Cruz and his concern with the overcrowding and vehicular traffic in Espanola Way. The final recommendations were to place the valet service in the cul-de-sac that will be open for parking during the day but closed during the night. Additionally, the area of Drexel Avenue north of Espanola Avenue will be kept open for traffic and parking.

The Committee unanimously passed a motion to leave the market in place from Drexel Avenue to Washington Avenue and leave Drexel Avenue open with parking available up to 5:00 p.m. and after 5:00 p.m. place the valet drop-off near the south side of Espanola Way in the cul-de-sac and the area of Drexel Avenue north of Espanola Way open for traffic and parking and explore future alternatives on Drexel Avenue from 14th Street to Espanola Way.

3. Ordinance amending enforcement and penalty provisions for parking lots and valet parking operators.

Mr. Saul Frances, Director, Parking Department introduced the item and explained that at the last Neighborhoods Committee meeting he received direction to bring the valet operators, Transportation and Parking Committee and members of the Mayor's Blue Ribbon Task Force to the next meeting. Mr. Frances further explained that Commissioner

Steinberg recommended changes to Robert Dixon, Deputy City Attorney to revise the existing valet ordinance. The recommendation is to change the current code enforcement structure and place it under Chapter 30. In essence, when a violation is issued, it will be referred to the Special Master. This would give the valet operator an opportunity for due process. Mr. Dixon further explained that all \$25 violations would remain the same and those in excess of \$25 would go before the Special Master and this was an issue of compliance and not putting the valet operators out of business. Several of the valet operators, Arty Schultz, Mike D'Alessandro and Marcos Leiva, were present and voiced their dissatisfaction with the proposed amendments to the code. The main concern voiced by the valet operators was related to the fact that they are being penalized for the actions of their staff. There was discussion on and an explanation of the Special Master process.

Mr. Gary Knight stated that the valet operators must be responsible for their employees. Commissioner Garcia stated that the employees receive the violations but fail to give them to the valet operators. Mr. Frances explained the process for the issuance of violations. When an officer observes a violation, the violation is issued to the runner and at that point, the officer requests that the supervisor sign and accept the violation. Mr. Frances explained that a policy was recently implemented which includes advising the operators by sending a letter informing them of the violation (because of the 10 day window for appeal of the violation), faxing them the violation and lastly, when they make payments for the parking meter rentals providing information on any outstanding violations.

The Committee unanimously passed a motion and directed the Administration to hold a workshop but prior to the workshop have the valet operators present their recommendations to the Administration and the Parking and Transportation Committee within 30 days (of the Committee meeting date) and present the final recommendations at the April 9, 2003, Commission meeting.

4. Discussion regarding amending the Ordinance adopting procedures for the review and approval of the use of public and private property not so permitted under existing zoning to be used as emergency parking lots for special events.

Mr. Gary Held, First Assistant City Attorney, introduced the item and explained that these are the recommendations of the Transportation and Parking Committee. The item authorizes the City Manager for large special events to designate vacant property as additional parking through the Special Events permit.

The Committee unanimously passed a motion to approve the item as drafted.

5. Discussion of Noise Ordinance during the Winter Music Conference.

Robert C. Middaugh, Assistant City Manager, introduced and explained how this item

was placed on the Neighborhoods Committee agenda. Mr. Middaugh stated that this issued was discussed at the last Night Life Advisory Committee and explained the enforcement process during the Winter Music Conference. The enforcement process during the Winter Music Conference is as follows: 1- a courtesy verbal warning will be given to the establishment requesting that they comply and lower the music. 2- If Code Compliance staff returns, the normal enforcement process will be initiated and a notice of violation will be issued.

Mr. Dave Sokoloff explained that the Winter Music Conference is an annual gathering of the dance music industry and is a convention. Ms. Christina C. Cuervo, Assistant City Manager, explained that this event has been held at the City of Miami Beach for more that 13 years and it is largest music industry conference held in Miami Beach and every night there is a different event at different venues. Ms. Cuervo stated that in the past there were problems with flyers, massive numbers of people on the streets and music but many of the problems have been under control with the assistance of the event promoters.

Mr. Sokoloff explained that the dates for the conference are March 17th through the 22nd and he is having events every night of the week at Opium Gardens. Mr. Sokoloff further explained that there are over 135 events scheduled for the week at different venues throughout the City of Miami Beach and a large majority of those events will be held outdoors. Mr. Sokoloff requested that the entire area of Miami Beach be considered a special event and during the event, there be an exception to the noise ordinance.

Commissioner Gross inquired as why the majority of the events were not held indoors. Mr. Sokoloff explained that there not enough venues for all of the events. Commissioner Bower explained that the resident's expectation is that their quality of life not be disrupted. Mr. Sokoloff explained that if the City starts closing events and/or prohibiting outdoor events, the City of Miami Beach may risk losing the event to Las Vegas. Commissioner Bower countered that the Commissioners obligations are to the residents of the community.

The Committee did not make a motion on this item.

Attachment

JMG/RCM/VRG



City of Miami Beach
Neighborhoods Committee Meeting

Date: February 24, 2003

Name	Address	Phone	Fax	E-Mail
N. Guzman's	CMB	7071		
Maggi Fernandez	CMB - Special Events	7517	7043	
Don M. Larios	Freiberg-Fisher Elem	305-531-0419	534-3925	
Gary Held	CMB - Legal	7470	7002	
Richard Steinberg	CMB	7103		
Kevin Crowder	CMB-ED	7193	7772	kevin.crowder@miamibeachfl.gov
Joe Sokoloff	Priny	786 486 1763		JoeSokoloff@miamibeachfl.gov
Donna Jones	"			
Erica Smith	CMB	6722		
Bernie Martinez	900 West Ave	447-2437	538-0696	
Joe Fortina	5750 Collins Ave	861-0854		
Count K. F. M. de U. Rosenfeld	2021 309-			

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City of Miami Beach
Neighborhoods Committee Meeting

Date: February 24, 2003

Name	Address	Phone	Fax	E-Mail
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Kacy Villanar	1100 Biscayne Blvd #700	305-604-6098	305-604-1722	
Delores Mays	1700 Convent Ln Dr, #441	ext. 6834		
Valerie S. Hagmann	CMR	66677	305-673-7096	
M. Conner	1100 Biscayne	531-4444	673-3106	
Tracy R. Dyer	1865 JFK Cswy Suite 5-H	(305) 608-9361		
Matthew Dwyer				
Luis Garcia		305-673-7145		
Mike Pallesano	541 Jeff Ave	305-673-1741	305-531-1974	1
Al Childs	CMR	7555	7012	
Messiaen	Celebrity Residing	786-858-1881		
Gang Huich	2401 Collins #1206	205-335-6666	505-834-8574	ganghuich@aol.com

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